



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 27, 2009

Children Bureau
Office on Child Abuse and Neglect
Portals Building, Room 8128
1250 Maryland Avenue, S.W.
Washington, D.C. 20024
Attention: Catherine Nolan
c/o Catherine Howard

Dear Ms. Nolan:

The State of Hawaii certifies that:

1. The State received the FFY 2008 Child Abuse and Neglect Basic State Grant and continues to comply with the requirements stipulated in Section 106(b) of the Act.
2. The State has maintained a State multidisciplinary task force on children's justice.
3. The State has adopted or continues to progress in adopting recommendations of the State Task Force or a comparable alternative to such recommendations.
4. The State will make such reports to the Secretary as may reasonably be required, including an annual report on how assistance received under this program was expended throughout the State, with particular attention to the areas described in paragraphs (1) through (3) of Section 107(a).
5. The State will maintain and provide access to records relating to activities under CJA.

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6. The State will participate in at least one federally initiated CJA meeting each year that the grant is in effect and is authorized to use grant funds to cover travel and per diem expenses for two CJA representatives (plan coordinator and task force chairperson) to attend the meeting.

Enclosed are the original and one copy of Hawaii's Application for FFY 2009 Children's Justice Act State Grant Funds. If there are any questions, please contact Gibby Fukutomi at (808) 586-5702.

Sincerely,



LINDA LINGLE

Enclosure

Application for FFY 2009 Children's Justice Act State Grant for Programs Related to the Investigation and Prosecution of Child Abuse Cases, Three- Year Assessment Study and Annual Performance Report

This constitutes the State of Hawaii application for FFY 2009 Children's Justice Act (CJA) State Grant funds, three-year assessment study and annual performance report. The estimated FFY 2009 allotment for Hawaii is \$107,050. Hawaii's FFY 2008 allotment is \$106,347.

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EIN: 1-996001081-A6
DUNS: 824671176

Background

The Keeping Children and Families Safe Act of 2003 re-authorizes the Children Justice Act (CJA) State Grant to assist States in developing, establishing, and operating programs designed to improve:

1. the handling of child abuse and neglect (CAN) cases, particularly cases of child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim
2. the handling of cases of suspected CAN-related fatalities
3. the investigation and prosecution of CAN cases, particularly child sexual abuse and exploitation
4. the handling of cases involving children with disabilities or serious health-related problems who are the victims of abuse or neglect

To be eligible for CJA funds, States must be eligible for the Child Abuse Prevention and Treatment Act (CAPTA) Basic State Grant and are required to establish and maintain a multidisciplinary task force on children's justice. The children's justice task force is to be comprised of representatives from specified, selected disciplines involved in handling CAN cases.

The mission of the task force is to review and make policy and training recommendations regarding methods to better handle these cases, with the expectation that it will result in reduced trauma to the child victim and the victim's family, while insuring fairness to the accused.

The Hawaii Department of Human Services (DHS) applies for, receives the CJA funds on behalf of the Hawaii Children's Justice Task Force, and contracts with two nonprofit entities to administer use of the funds in accordance with the priorities set by the Task Force and for the maintenance of the Task Force.

The Hawaii Children's Justice Task Force is comprised of interagency and inter-professional members of the Judiciary's Children's Justice Program *Interagency Advisory Committees (IAC)/Children's Justice Committees* on Oahu, East Hawaii and West Hawaii and members from independent community-based multidisciplinary/multi-agency children's justice nonprofit entities on Kauai and Maui. The County level IAC and children's justice entities meet once a month and statewide executive meetings are convened once every six months or more frequently, as needed, to review and prioritize use of the CJA funds and assess their impact/contribution to improved investigation, handling and prosecution of CAN cases, particularly cases of child sexual abuse and exploitation.

The Task Force is independent of and works with the Judiciary's Children's Justice Program to improve interagency coordination, investigation, handling and prosecution of child sexual abuse and serious child physical abuse cases by prioritizing and directing the use of CJA funds for its intended purpose.

Three-Year Assessment Study

As required by Federal law, the Hawaii Task Force conducted its three-year assessment study of the State's system for responding to and handling of reports of child sexual abuse, including reports of child-on-child and sibling-on-sibling child sexual abuse. The report is enclosed. A number of changes have occurred in the last five years that have prompted the task force to review how the system responds and handles reports of child sexual abuse, changing roles and responsibilities, strengths and gaps.

Report Findings:

- Commitment by professionals, collaboration and training opportunities are critical to a system's ability to function and respond to child sexual abuse cases.
- System gap – unclear where responsibility lies for response and handling of child sexual abuse cases involving a minor "perpetrator" or sexually acting out, reactive youth.
- System gap – specialization of agency staff?
- System gap – cases are not moving through the system in a timely manner, especially the criminal justice system
- System gap – no accurate documentation of the number of child sexual abuse cases in Hawaii. Although the CJs track cases, they are not receiving all intakes/reports.

Report Recommendations:

- Continue to provide training that addresses the issues raised in the report.
- Share the report with agency administrators.
- Request DHS/CWS to document and send all intakes regarding sexual harm or threat of sexual harm to a child, regardless of who the alleged perpetrator may be, to the CJC in the geographical area the child resides in.
- Create a system to track cases involving minors as perpetrators or sexually reactive youth (child-on-child cases).
- Request DHS/CWS to review HRS 587, Hawaii Child Protective Act, and the DHS/CWS interpretation that cases involving child perpetrators or sexually reactive youth do not fall under CWS purview for investigation. Currently, the criteria for intakes involving minors who are abusive or sexually acting out against other minors are no longer accepted for investigation unless the parents/legal caretakers are not protective of their children. These cases are accepted for investigation for neglect.
- Review how other states are responding to cases involving minor perpetrators or sexually reactive youth.

- Ask one of the counties to work on the timeliness of response for criminal cases. Review the current system with its multidisciplinary team and identify areas where changes can be made to expedite the process (i.e., victim's readiness to go to court).

Based on the report findings and recommendations, the Task Force priorities are:

- (1) **Training:** Use CJA funds to meet the specialized training needs of those involved in the investigation and handling of child sexual abuse and serious physical abuse cases in civil and criminal proceedings in order to minimize trauma for the child victim while assuring fairness to all parties.
 - (a) Support mandatory child forensic interview and other specialized training for child sexual abuse investigators.
 - (b) Support specialized training for certified nurses as pediatric Sex Assault Nurse Examiners (SANE) to increase system capacity for conducting and ensuring reliable, quality forensic medical examination, especially in underserved, rural counties with a shortage of qualified physicians and medical examiners.
 - (c) Allow the Task Force interagency committees/bodies in each county to determine training priorities to be funded to meet the need for improved local coordinated response and handling of child sexual abuse reports, including child-on-child reports.
- (2) **Support system improvement for response and handling of child-on-child sexual abuse cases.** Use CJA funds for improved system response and handling of child-on-child sexual abuse cases, including those who sexually abuse their sibling(s) or other children.
- (3) **System review:** Review the overall service system for response and handling of child-on-child/sibling-on-sibling sexual abuse cases and the impact in the handling of these cases. Encourage data collection and tracking of the reports and how they are handled.

The Task Force has not taken on the function of conducting review of CAN-related fatalities, nor has it applied CJA funds to support child fatality review teams although authorized to do so under Federal law. This is because State law has already established this function under the Department of Health and other sources of funds have been provided to operate the program. The Task Force will continue, as it has done in the past, to support training and partner on relevant multidisciplinary child death review findings.

In addition, CWS conducts its own multidisciplinary review of CAN-related deaths reported to CWS and accepted for investigation due to safety concerns of other children in the home, and review of child deaths in active cases and cases recently closed. CWS contracts with the Kapiolani Child Protection Center (KCPC) to convene the multidisciplinary team for review of those death cases known to and referred by CWS.

Performance Report

The training and review activities supported in the past year with CJA funds are found in ATTACHMENT A for East Hawaii as reported by Lorraine Davis, B for West Hawaii as reported by Carol Warner, C for Kauai County as reported by Tom French, D for Maui County as reported by Iris Mountcastle, and E for Oahu as reported by Marty Oliphant.

These reports highlight 3 major accomplishments:

1. Validation of Hawaii's Children's Justice Center (CJC) interviewing guidelines by Victor Vieth when reviewed against research supported and evidence-based practice models such as the nationally acclaimed *Finding Words*.
2. Continued focus and funding support for specialization and specialized training of sexual abuse/assault investigators (law enforcement and CWS) and other members of the multidisciplinary response team.
 - a. Continued support for specialization in investigation and handling of child sexual abuse/assault cases by specialty units and specialty workers.
 - b. Continued support and emphasis on requiring that all child sexual abuse/assault investigators (CWS and law enforcement) participate in forensic interviewer training before conducting interviews and providing standards-based training.
 - c. Continued support and emphasis that basic training on the general dynamics of child sexual abuse is provided as a prerequisite to forensic interviewer training for investigators (law enforcement and CWS) and to all who are part of system response.
 - d. Establishment and filling of the new CJC in-house forensic interview specialist and multidisciplinary team social worker positions that are part of the on site support at the CJC to conduct interviews as needed to address the impact of turnover on the quality of the interview and multidisciplinary response. Having an in-house forensic interview specialist at the CJC to conduct the forensic interviews as a back-up for new investigators is being tested first on Oahu.
 - e. Continued use of child psychologists with forensic interview expertise for training of and review/consultative assistance for new child sexual abuse/assault investigators; also to conduct the interview for cases that require more specialized expertise, e.g., to interview victims age 5 and under, a child with special needs, or a child victim who is part of an enforced custody case (divorce/custody dispute cases are complex).

- f. Continued support and training for pediatric Sexual Assault Nurse Examiners (SANE) to conduct forensic medical examinations in areas with a physician/medical examiner shortage.
3. Upgrade/replacement of forensic interview recording equipment.

WHAT WORKS: Applying Lessons Learned and Best Practice Innovations

Over time and with experience, agencies and professionals in Hawaii and across the nation are learning from each other and from research, and are building a knowledge base for handling cases more effectively and to prevent unnecessary system-related trauma for children.

Challenges:

Exposure to violence as a victim poses a threat to children. Studies have found that abused/neglected children were more likely to be arrested as juveniles and as adults for violent crimes; that, on average, they begin committing crimes at younger ages; they commit nearly twice as many offenses as non-abused children; are arrested more frequently.

Appropriate response can be a critical turning point in defining how experiencing violence will impact a child's life. Since trauma in children may not be revealed for months or years, children should be identified quickly and response/assistance to a report in the form of support or therapy should not be postponed because of perceptions that the child appears to be unaffected, suffered victimization years ago or is too young to understand.

The way children understand, communicate and participate is determined by their developmental status. Children disclose abuse and facts regarding traumatic events over time. The more comfortable a child becomes with an adult, the more likely he or she is to provide additional information. This may pose challenges to the child's credibility because the child did not present complete information at the initial interview.

It is critical for professionals working with child victims and witnesses to (1) be provided a basic understanding of child development through training, and (2) be allied with other professionals who can provide advice and assistance in dealing with children.

The State Legislature, the Hawaii Judiciary and advocates for children in the 1980s began reviewing court-related factors that were stressful to and not in the best interest of child victims and witnesses:

- Multiple interviews and not using developmentally appropriate language
- Delays and continuances
- Testifying more than once
- Lack of communication between professionals
- Fear of public exposure
- Lack of understanding of complex legal procedures
- Face-to-face contact with the defendant
- Practices that are insensitive to a child 's developmental needs
- Harsh cross-examination
- Lack of adequate support and victim services
- Sequestration of witnesses who may be supportive to the child
- Placement that exposes the child to intimidation, pressure, or continued abuse
- Inadequate preparation for testifying
- Lack of evidence other than the testimony of the child.

Added challenges include cultural and language barriers to effective communication and the special needs and accommodation related to physical, emotional and cognitive disability.

Studies indicated that reducing the number of interviews can minimize psychological harm to child victims; testifying is not necessarily harmful to children if adequate preparation is conducted; that having a trusted person help the child prepare for court and be with the child when testifying reduced anxiety.

Innovations:

Provided below are some of the key strategies the Task Force has found that works:

1. Apply child friendly practices when working with children.
2. Use personnel trained in interviewing children to meet with the children as soon as possible after the event.
3. Involve victim-witness advocates and clinicians in the early stages to help-manage cases and ensure that assistance is provided to child victims and witnesses on a continuing basis.
4. Prepare children for court in a manner that is developmentally appropriate and sensitive to the child's mental health needs.
5. Use a multidisciplinary, team approach when handling cases involving child victims.

Provided in the table that follows are some of the best practice innovations instituted in Hawaii and supported in part with CJA funding contributions.

Best Practice Innovations	Guiding “ <i>Best Practice</i> ” Beliefs	Hawaii’s System
Children’s Advocacy Center	Apply child friendly practices when working with child victims and witnesses.	<p>Hawaii’s Children’s Justice Program is a statutorily mandated program (Hawaii Revised Statute Chapter 588) of the State Judiciary.</p> <p>The mission of the Program is to provide for the special needs of children as victims/witnesses by promoting coordination for appropriate investigation, treatment and legal processes to prevent unnecessary trauma to children and ensure justice for children and their families.</p> <p>The State Legislature established the Children’s Justice Program, then known as Hawaii Children’s Advocacy Center (CAC), in 1986 under the State Judiciary to ensure a fair and neutral process for handling reports of child sexual abuse. The intent was to protect the rights of all persons involved – the victims and the alleged perpetrator.</p> <p>In 2001, legislation changed the program’s name from CAC to Hawaii Children’s Justice Program. The legislation also expanded the program to include victims of serious physical child abuse, as well as child sexual abuse.</p> <p>Prior to the creation of CAC, the justice system was geared towards the needs of adults, not the needs of children. The Hawaii Judiciary established the program to open courthouse doors to children as witnesses. Specially trained professionals conduct developmentally appropriate forensic interviews, videotapes are made instead of written statements, and a special children’s waiting room has been created in the Circuit Court, First Circuit (Oahu) for children who will be testifying.</p> <p>Today, there is a Children’s Justice Center (CJC) in each county jurisdiction; two in Hawaii County. The Centers provide a warm, home-like setting where children can feel comfortable and safe as possible while being interviewed about child sexual abuse and serious physical child abuse.</p> <p>Specifically, the Program is to:</p> <ul style="list-style-type: none"> ● Develop, achieve and maintain

Best Practice Innovations	Guiding “Best Practice” Beliefs	Hawaii’s System
		<p>interagency and inter-professional cooperation and coordination in the investigation and case management of intra-familial and extra-familial child sexual abuse and serious physical child abuse cases.</p> <ul style="list-style-type: none"> • Facilitate in an impartial manner the professional gathering of information by public and private agencies and their (service) providers for court proceedings involving child victims and witnesses. • Reduce to a minimum the number of interviews of child sexual abuse victims so as to minimize re-victimization. • Provide for a multidisciplinary team and case management approach focused first on the child victim’s needs and conditions; second, on the family members who are supportive of the child and whose interests are consistent with the best interests of the child; and third, on law enforcement and prosecutorial needs. • Coordinate the therapeutic and treatment program for child sexual abuse victims and their families. • Provide for the training and continuing education of skilled professional interviewers of child sexual abuse victims. • Serve as the focus of information and referral for child sexual abuse programs.
Specialization and Training of Criminal Justice and Child Protection Professionals	<p>Involved agencies should create specialty units or designate specialist positions/personnel.</p> <p>Professionals assigned to handle cases involving child victims, particularly victims of child sexual abuse and exploitation should have more in-depth training in forensic interviewing, child development, identification of abuse-related injuries, the emotional and psychological impact of abuse, and legal issues related to child victims and witnesses.</p>	<p>CWS on Oahu has two dedicated specialty units - a specialized assessment unit handling assessment/investigation of intra-familial child sexual abuse reports and institutional abuse reports, and a specialized ongoing case management unit for intra-familial child sexual abuse cases. The rural Neighbor Islands do not have specialty units. They may have specialty workers dedicated to handling child sexual abuse or institutional abuse investigations and case management, but staff turnover has adversely affected specialization.</p> <p>CJA funds support specialized training for CWS assessment social workers and police investigators:</p> <ul style="list-style-type: none"> • General Dynamics of Child Sexual Abuse Training: This one-day training is a prerequisite for the forensic interviewer training that is required for

Best Practice Innovations	Guiding “Best Practice” Beliefs	Hawaii’s System
		<p>all new child sexual abuse/assault investigators (law enforcement and CWS).</p> <p>This basic training focuses on child victims. It includes assessing sexual behavior, what is normal, what is not, signs and symptoms (acute/chronic), the sexual assault exam, impact of abuse, the accommodation syndrome, etc. Though participation is mandatory for child sexual abuse investigators in CWS and law enforcement, it is also open to any professional that deals with sexual abuse, including community volunteers. There are about 100 participants annually. Most are new to their respective jobs. This includes judges in the civil and criminal courts, law enforcement (County police and FBI), military investigators, prosecuting attorneys, other CWS professionals, parent attorneys, guardians ad litem (GAL), volunteer guardians ad litem (VGAL), mental health providers, medical providers, school teachers, other educators (e.g., school counselors), churches, etc.</p> <ul style="list-style-type: none"> • Forensic Interviewer Training: This three-day training is mandatory for new child sexual abuse/assault investigators (CWS and law enforcement). The training is hosted/coordinated by the Judiciary’s Children’s Justice Program. It teaches investigators how to do forensic interviews of children utilizing the Children’s Justice Program Interview Guidelines. It covers developmentally appropriate guidance for interviewing preschoolers, school-age children and adolescents. It covers disclosing and non-disclosing children, assessing child development, competency, etc. <p>CJA funds also support Sex Abuse Investigator Team Meetings and Peer Tape Reviews: Each month the CJC hosts/coordinates a Sex Abuse Investigator Team Meeting. The team consists of child sexual abuse professionals – CWS, police, deputy prosecutor, crisis therapist from the Sex</p>

Best Practice Innovations	Guiding “Best Practice” Beliefs	Hawaii’s System
		<p>Abuse Treatment Center (SATC), CJC consultants (psychologists who are forensic interviewers). Depending on the agenda, others may be invited, e.g. medical providers, forensic medical examiners. There is a business part of the meeting that includes issues that impact the investigation/handling of child sexual abuse/assault cases. Training is often provided and other professionals are invited as appropriate.</p> <p>Peer Videotape Review is when a tape of a child victim interview is shared and an experienced forensic interview consultant facilitates discussion. Studying the interviews provides both learning/teaching moments and opportunities for analysis and to advance practice.</p> <p>AS A RESULT, interagency investigative team members are continually enhancing and perfecting their specialized knowledge, competencies, skills and consciousness of the special needs of child victims in the investigation, civil and criminal process.</p>
Use of Child Interview Specialists	<p>Use personnel trained in interviewing children. Use standards-based interviewing protocols for child victims and witnesses; in other words, professionals conducting forensic interviews should use consistent methods and follow a tested protocol.</p> <p>Conducting a forensic interview with a child about traumatic events the child experienced or witnessed can be difficult.</p> <p>Interviews of child victims and witnesses should be conducted by personnel properly trained in the techniques designed to best elicit truthful information from a child while minimizing additional trauma to the child.</p> <p>To obtain reliable information from a child, the interviewer must assess the developmental level of the child and adapt the interview</p>	<p>After a report of child abuse is made to the proper authorities (CWS and/or the County Police), a child is brought to the Center by a protective family member, friend, or agency staff to be interviewed by specially trained professionals. Follow-up meetings with the child and other professionals are held in the familiar surroundings of the Center.</p> <p>CJC utilizes psychologists who specialize in forensic interviews as consultants and also to conduct interviews in cases that require more specialized expertise.</p> <p>In June 2006, during two training sessions for investigators conducted by Detective Mike Johnson of the Plano Police Department, review was conducted of Hawaii’s Forensic Interview Model. Detective Johnson shared that most of the CACs on the mainland no longer train new investigators as forensic interviewers and have moved to in-house staff forensic interviewers at the CACs. Detective Johnson shared that this specialization is more cost effective and enhances the quality of the interviews.</p> <p>Feedback from the training on investigation of</p>

Best Practice Innovations	Guiding “Best Practice” Beliefs	Hawaii’s System
	<p>accordingly.</p> <p>To be effective and legally defensible, any forensic interview protocol should include techniques based on updated research.</p> <p>It is extremely important that professionals who interview child victims have adequate training.</p> <p>Cases involving (1) very young children (under age 6), (2) severely abused children, (3) children who have witnessed extreme violence, and (4) children with developmental disabilities require experienced, highly trained interviewers.</p>	<p>child physical abuse cases surfaced the need for a designated multidisciplinary case coordinator at the Oahu CJC.</p> <p>AS A RESULT, the Judiciary asked the 2007 State Legislature to authorize in the State Budget two new positions for the Oahu CJC – (1) a forensic interview specialist, and (2) a multidisciplinary team coordinator position. The request was approved to begin July 2007.</p> <p>In October 2007, Kauai Children's Justice Committee (KCJC) took the lead and brought in Victor Vieth for training and consultation. Vieth is the Director of Child Abuse Programs for the National District Attorney's Association (NDAA) and the Director of the National Child Protection Training Center. He launched the <i>Finding Words</i> protocol for interviewing children and preparing for court. With his assistance, local forensic interviewers/investigators, forensic interview consultants and prosecutors were able to compare Hawaii's Children's Justice Program's interviewing guidelines with the <i>Finding Words</i> protocol. It was very helpful to make this comparison and to learn that Hawaii's guidelines are very similar to <i>Finding Words</i>.</p> <p>Vieth recommended that Hawaii continue to use the guidelines but update the references to research and evidence that support the practice guidelines as best practice.</p>
Forensic Medical Examination	Forensic medical examinations help in the gathering of corroborating information.	<p>If the abuse has occurred within 72 hours, the child is taken as soon as possible for a forensic medical examination with a specially trained professional. In underserved rural counties, trained and certified pediatric Sexual Assault Nurse Examiners (SANE) may conduct the forensic examination.</p> <p>CJA funds are used to support specialized training for certified nurses as pediatric Sex Assault Nurse Examiners (SANE) in order to increase system capacity for conducting and ensuring reliable, quality forensic medical examination.</p> <p>AS A RESULT, underserved rural Neighbor Island counties impacted by physician and medical examiner shortages have increased capacity to conduct and ensure reliable, quality forensic examination and the gathering of</p>

Best Practice Innovations	Guiding “Best Practice” Beliefs	Hawaii’s System
		corroborating information.
Multidisciplinary	<p>Agencies and professionals handling cases involving children as victims and witnesses should work in collaboration with other involved agencies/ professionals. When multiple agencies are involved in a child’s life, communication among professionals is critical to ensure that complete and accurate information is available.</p> <p>A coordinated response can:</p> <ul style="list-style-type: none"> • Reduce the number of interviews a child undergoes • Minimize the number of individuals involved in a case • Enhance the quality of evidence discovered • Coordinate intervention and services • Minimize conflicts among agencies with different philosophies and mandates 	<p>The County Police, FBI or the proper military investigations authority are responsible for investigation of reported intra- and extra-familial child abuse cases. CWS is responsible for assessment/investigation of intra-familial child maltreatment cases and investigation of reports alleging institutional abuse, or child maltreatment in child care and foster care settings. Trained staff from these agencies work as a team at the Center to conduct the interview.</p> <p>The Program brings together a multidisciplinary team of professionals to coordinate their activities for improved investigation and handling of child sexual abuse and serious physical child abuse cases in order to minimize additional trauma for child victims and their families while ensuring fairness to all affected persons.</p> <p>Working together at the Center to coordinate efforts to help child victims and their families are:</p> <ul style="list-style-type: none"> • DHS Child Welfare Services (CWS) • County Police Departments • Departments of the Prosecuting Attorney • Victim Witness Assistance Programs • Department of the Attorney General • Crisis counseling and medical services • Treatment providers • Armed Services (military) • Federal Bureau of Investigations (FBI) • Community volunteers
Child Development	Criminal justice and child protection professionals should adapt their practice to recognize the developmental stages and needs of child victims and witnesses to ensure they are sensitively treated throughout the assessment, investigation.	Each interview room is designed for children of different age groups and has a viewing area to minimize the number of people in the room with the child. A videotape is made of the interview to reduce the need to re-interview the child.
Use of Victim Assistance Professionals	<p>Research indicates that the participation of a victim-witness advocate appears to increase guilty verdicts in sexual abuse cases.</p> <p>Advocates working with child victims and child witnesses</p>	DHS may bring a case to Family Court if it appears to be in the best interest of the child. The County Police determines whether a case will be sent to the Prosecutor’s Office for possible criminal action. Once a case is at the Prosecutor’s Office a Deputy Prosecuting Attorney and a Victim Witness Counselor are assigned to the case. Both are also specially

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	should have specialized training and experience working with abused and traumatized children.	trained to help the child and family through the court process in as supportive a manner as possible.
Preparing Children for Court	Research consistently suggests that prepared and relaxed child victims and witnesses are more credible, enabling prosecutors to present stronger cases with more convictions.	See above.

Proposed Use of FFY 2009 CJA Funds

A description of the system reform/improvement activities to be pursued with anticipated FFY 2009 CJA funds.

[NOTE: Per Federal guidance, supporting CAN prevention activities or treatment services is not an appropriate use of CJA funds.]

Projects to Improve the Investigative, Administrative and Judicial Handling of Child Abuse and Neglect Cases, Particularly (1) Child Sexual Abuse and Exploitation, as well as (2) Cases Involving Suspected Child Maltreatment-Related Fatalities, and (3) Cases Involving a Potential Combination of Jurisdictions, in a Manner Which Reduces Additional Trauma to the Child Victim and the Victim's Family, While Insuring Procedural Fairness to the Accused.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
Support mandatory specialized training for forensic interviewers and investigators, and integrated cross-system training for improved interagency coordination and handling of child sexual abuse and serious physical abuse cases to minimize trauma for the child victim and re-victimization while assuring fairness to all parties.	\$107,050*	CWS, police, deputy attorneys general, prosecutors, judges, medical examiners, parent and child attorneys, GALs, VGALs, hospital/health professionals, counselors, service providers (50 - 200)	(1) Support mandatory training for child sexual abuse investigators (CWS and County Police); (2) Support specialized cross-training for those handling child sexual abuse and serious physical abuse cases in investigation, civil and criminal proceedings.	50 - 200 workers, in multi-disciplines, will have a common frame of understanding, and enhanced knowledge and skills to improve handling of child sexual abuse and serious physical abuse cases.	Trained, qualified workforce with specialized multidisciplinary knowledge and skills to coordinate and effectively handle child sexual abuse and serious physical abuse cases across systems.

Project to Establish Experimental, Model or Demonstration Programs to Improve the Prompt and Successful Resolution of Civil and Criminal Court Proceedings or to Enhance the Effectiveness of Judicial and Administrative Action in CAN Cases, Particularly Child Sexual Abuse and Exploitation Cases, Including Performance Enhancement of Court-Appointed Attorneys and Guardians Ad Litem for Children, and Which Also Ensure Procedural Fairness to the Accused.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
Rural counties, like Kauai and Hawaii Counties, will have trained/ certified forensic nurse examiners for child sexual and physical abuse investigations.	(Included in above cost projection.)	Registered nurses Kauai and Hawaii Counties	Underserved rural counties to determine level of support for pediatric Sexual Assault Nurse Examiner (SANE) training and equipment of forensic examination rooms appropriate to needs of child victims.	Certified forensic nurse examiners in rural counties.	Improved capacity in rural counties to perform physical assessment/ examination; locate, collect, preserve, package and document forensic evidence; present expert testimony in court, when necessary.

Project to Undertake Activities to Reform State Laws, Ordinances, Regulations, Protocols and Procedures to Provide Comprehensive Protection for Children from Abuse, Particularly Sexual Abuse and Exploitation, While Ensuring Fairness to All Affected Persons.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
<p>Conduct updated review of service system for child sexual abuse, including continuing review and development of a system for improved response and handling of child-on-child/sibling-on-sibling sexual abuse or incest.</p> <p><u>Background:</u> Statewide there have been a number of issues that have impacted our system response to cases of child sexual abuse/assault and exploitation.</p> <p>For example, due to the new CWS intake criteria, cases involving children</p>	(Included in above cost projection)*	Child sexual abuse/assault multidisciplinary response system	See recommendations in 3-year assessment study report	Data collection and tracking information to continue to assess system response improvements	<p>Improved handling of child-on-child/sibling-on-sibling sexual abuse or incest cases.</p> <p>Improved handling of complex child sexual abuse/sexual assault, pornography and prostitution cases.</p>

Project to Undertake Activities to Reform State Laws, Ordinances, Regulations, Protocols and Procedures to Provide Comprehensive Protection for Children from Abuse, Particularly Sexual Abuse and Exploitation, While Ensuring Fairness to All Affected Persons.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
<p>sexually offending other children in the home are no longer investigated. These cases may be cross-reported to law enforcement. Law enforcement has expressed concern that there is no longer a multidisciplinary team response to these cases.</p> <p>Children under the age of 12 are not adjudicated in the Family Court system and may thus not receive services.</p> <p>Because CPS intakes accepted for investigation have dropped dramatically over the last 3 years, including dramatic drops in reports of child sexual abuse accepted for investigation, followed by drops in referral to sexual abuse treatment services, a comprehensive review of system response for this target group is needed.</p> <p>The study needs to also examine whether the system is adequately coordinated and resourced to deal with the complexity of cases.</p> <p>Varying concerns</p>					

Project to Undertake Activities to Reform State Laws, Ordinances, Regulations, Protocols and Procedures to Provide Comprehensive Protection for Children from Abuse, Particularly Sexual Abuse and Exploitation, While Ensuring Fairness to All Affected Persons.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
<p>have been expressed about complex child sexual abuse/ exploitation cases involving abuse, pornography and prostitution. An examination of system response is needed for improved coordination to reduce multiple interviews and to minimize system-caused re-victimization and trauma.</p> <p>Concerns have also been raised about the length of time it takes to prosecute sexual abuse/assault cases.</p> <p>Children's Justice Task Force conducted the study as part of its Federal mandate to conduct system review and issue findings and recommendations.</p> <p>The report was completed in March 2009.</p> <p>The plan is to continue to follow up on the recommendations.</p>					

Required Documentation That Hawaii Continues to Maintain A Multidisciplinary Task Force on Children's Justice

Documentation (see following table) that the State has established and maintained a multidisciplinary task force on children's justice, composed of professionals with knowledge of and experience with the criminal justice system and the system handling child maltreatment cases, particularly child sexual abuse and exploitation, suspected child maltreatment-related fatalities, and maltreatment cases involving children with disabilities or serious health-related problems.

The documentation serves to verify that the following disciplines are represented:

- Law enforcement community
- Criminal court judge(s)
- Civil court judge(s)
- Prosecuting attorney(s)
- Defense attorney(s)
- Child advocate(s) [Attorney(s) for children]
- Court Appointed Special Advocate (CASA) representative(s), where such programs are in operation
- Health professional(s)
- Mental health professional(s)
- CPS agencies
- Individual(s) experienced in working with children with disabilities
- Parent group representative(s).

Hawaii Children's Justice Task Force (HCJTF)					
Representation by CAPTA Required Disciplines					
CAPTA REQUIRED DISCIPLINES	First Name	Last Name	Position	Experience	Area
Law Enforcement Community	Paul	Kealoha, Jr.	Captain – Criminal Investigations Section	Many years of law enforcement and investigation experience.	West Hawaii
	Jon	Takamura	Lieutenant, Youth Services Division, Kauai Police Department	Total of 5 years in the area of youth programs, both with preventive and investigative issues.	Kauai
	Keith	Moniz	Maui Police Department	Law enforcement.	Maui
	David	Kamai	Lieutenant, Honolulu Police Department	Law enforcement.	Oahu
Criminal & Civil Court Judges	Bode	Uale	First Circuit Family Court Judge	Many years experience as a family court judge.	Oahu
	Aley	Auna, Jr.	Third Circuit Family Court Judge	Many years experience as a family court judge and former deputy attorney general.	West Hawaii
Prosecuting Attorney(s)	Dale	Ross	Deputy Prosecuting Attorney, Office of the Prosecuting Attorney	Many years of prosecutorial experience.	West Hawaii
	Charlene	Iboshi	Office of the Prosecuting Attorney	Many years of prosecutorial experience.	East Hawaii
	Jennifer	Winn	Deputy County Attorney, County Attorney's Office	Former First Deputy Prosecuting Attorney, Office of the Prosecuting Attorney; licensed to practice law in California (1996) and Hawaii (1999); bee with Prosecutor's Office since 2001; handled domestic violence and child abuse cases in 2002 – 2003; began	Kauai

Hawaii Children's Justice Task Force (HCJTF)					
Representation by CAPTA Required Disciplines					
CAPTA REQUIRED DISCIPLINES	First Name	Last Name	Position	Experience	Area
				handling serious child abuse cases and all sexual assault cases within the office in 2004; trained on child abuse and sex assault.	
	Benjamin	Acob, Esq.	First Deputy, Maui Office of the Prosecuting Attorney	Many years of prosecutorial experience; President, Maui County Children's Justice Committee	Maui
	Thalia	Murphy	Deputy Prosecuting Attorney	Many years of experience handling child sexual abuse cases.	Oahu
	Mary Anne	Magnier	Family Law Division Supervisor, Dept of Attorney General	Many years of experience handling child abuse cases.	Oahu
	Nolan	Chock	Deputy Attorney General, Department of the Attorney General	Many years of experience handling child abuse cases.	West Hawaii
Defense Attorney(s)	John	Baker	Private attorney	Experienced defense attorney; also represents parents.	Maui
Child Advocates [Attorneys for Children]	John	Baker	Private attorney	Experienced guardian ad litem (GAL) for CPS cases. Provides legal services for guardianship and adoption cases with Queen Lili'uokalani Children's Center (QLCC).	Maui
CASA Representatives	Gail	Nakamae	Program Specialist, Judiciary, Second Circuit, Special Services Branch	Volunteer Guardian Ad Litem training program; maintains contract.	Oahu

Hawaii Children's Justice Task Force (HCJTF)

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES				
First Name	Last Name	Position	Experience	Area
Marilyn	Kaohi	Program Specialist, District Court, Fifth Circuit	Head of the Volunteer Guardian ad Litem and Kids First Program; monitors abuse and neglect cases; maintains contract. Many years of social work experience in the State and private sector.	Kauai
Health Professionals				
Merle	Endo	SAFE Nursing Coordinator, Juvenile Aid Section, Hawaii Police Department	SAFE nursing.	West Hawaii
Phoebe	Lambert	Big Island Coalition Against Physical and Sexual Assault	Started SANE Program in East Hawaii; former Director of Nursing at Hilo Medical Center.	East Hawaii
Cash	Lopez	SANE nurse; Family Health Services Program Manager, Department of Health (DOH)	Many years with SANE program on Kauai.	Kauai
Nancy	Phillion	Maternal & Child Health Coordinator, DOH	Nurse with many years experience in direct service.	Kauai
Debby	Wiley	Public Health Nurse, Assistant Supervisor, (West Hawaii) Public Health Nursing, DOH	Many years of experience in public health nursing.	West Hawaii
Jeny	Bissell	RN, DOH Family Health Services	Secretary of Maui County Children's Justice Program.	Maui
Mental Health Professionals				
Keli	Acquaro	Branch Chief, DOH Family Guidance Center	Children's mental health services experience.	West Hawaii

Hawaii Children's Justice Task Force (HCJTF)					
Representation by CAPTA Required Disciplines					
CAPTA REQUIRED DISCIPLINES	First Name	Last Name	Position	Experience	Area
CPS Agencies	Peggy	Hilton	Child Welfare Services (CWS) Section Administrator	CPS social worker, unit supervisor; and section administrator, East Hawaii.	East Hawaii
	Marianne	Okamura	CWS Section Administrator	Many years of experience with the Judiciary Children's Justice Center.	West Hawaii
	Lucy	Douthitt	Acting CWS Section Administrator	CWS social worker, supervisor and section administrator, Kauai.	Kauai
	David	Kam	CWS unit supervisor	Supervises special services (sex abuse) case management unit.	Oahu
	Hinda	Diamond	CWS unit supervisor	Supervises special services (sex abuse) assessment unit	Oahu
	Kayle	Perez	CWS Special Services Section Administrator	Oversees Oahu special services (child sex abuse) assessment and case management units.	Oahu
	Kathy	Swink	Assistant CWS Program Development Administrator	Many years experience in CWS as worker, unit supervisor and in Program Development.	Oahu
Individual(s) Experienced in Working with Children with Disabilities					
	Dennis	Kagikawa	School Counseling Specialist, Department of Education (DOE)	Outreach counselor; high school principal; DOE lead liaison for child abuse; oversees school counselors, high risk counselors (IDEA and 504) and school social workers.	Oahu
	Jill	Yoshimatsu	Director, DOE-Mokihana Project	Many years of classroom, school administration and related-services coordination experience for special education children with mental health needs.	Kauai

Hawaii Children's Justice Task Force (HCJTF)

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES					
	First Name	Last Name	Position	Experience	Area
	Linda	Price	DOE District Education Specialist, West Hawaii Special Education Office	Supervises special education diagnostic personnel.	West Hawaii
	Ray	Ho	Case Management Supervisor, Community Services for Developmentally Disabled Kauai Unit, DOH	Many years experience in direct service.	Kauai
Parent Group Representative					
	Iris	Mountcastle	Queen Liliuokalani Children's Center (QLCC), Maui/Lanai Unit Manager; Licensed Social Worker	Many years of child welfare experience.	Maui
Others					
	Phyllis	Shinno	Victims Assistance Unit, Office of the Prosecuting Attorney	Many years of experience in victim assistance.	East Hawaii
	Edythe	Maeda	Victim Assistance Counselor II Office of the Prosecuting Attorney, Victim Assistance Unit	Victim assistance.	West Hawaii
	Jann	Saiki-Morimoto	Supervisor, Adult Probation Family Court, Third Circuit	Adult probation.	West Hawaii

Hawaii Children's Justice Task Force (HCJTF)					
Representation by CAPTA Required Disciplines					
CAPTA REQUIRED DISCIPLINES	First Name	Last Name	Position	Experience	Area
	Rodney	Maeda	Family Court Administrator, Third Circuit	Many years experience with Judiciary.	East Hawaii
	Carol	Warner	Program Director, CJC, West Hawaii	Judiciary's Children's Justice Program.	West Hawaii
	Tom	French	Program Director, CJC, Kauai	Many years experience with Judiciary.	Kauai
	Patrick	Singsank	Maui CJC Program Director	Maui CJC Director since 1993.	Maui
	Jasmine	Mau-Mukai	Children's Justice Task Force CHAIRPERSON	Many years as CPS social worker and trainer.	Oahu
			Director, Children's Justice Program, Judiciary		
	Lucille	Calderon	Administrator, Kauai Child and Family Service	Many years experience in direct service and administration for youth and families.	Kauai
	LaVerne	Bishop	Program Director, Hale Opio Kauai, Inc.	Many years of youth services experience; masters in counseling psychology.	Kauai
	Barbara	Mullen	Program Director, Catholic Charities Child Sexual Abuse Treatment Program (CSATP)	Directs family counseling unit for sex assault and domestic violence.	Oahu
	Cindy	Shimomi-Saito	Crisis Intervention Program Manager, Sex Abuse Treatment Center (SATC)	Senior social worker in hospital-based rape crisis program.	Oahu

Hawaii Children's Justice Task Force (HCJTF)

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES						
First Name	Last Name	Position	Experience	Area		
Jude	Donald	Queen Liliuokalani Children's Center (QLCC)	Assists Hawaiian children and families.	East Hawaii		
Cathy	Alvarez	Director, Personal Parenting & Assessment Services	Service provider.	West Hawaii		
Heidi	Koop	Director of Hawaii Island Programs, Child and Family Service	Service provider.	West Hawaii		
Shelly	Delfin	Hale Kipa	Youth services.	East Hawaii		
Mark	Schuster	Bridge House	Substance abuse treatment.	East Hawaii		
James	Borden	Administrator, Child and Family Services	Service provider.	East Hawaii		
Mary	Correa	DOE Complex District Superintendent	Many years of educational experience, including handling child abuse.	East Hawaii		
Janie	Salazar	Program Director, Child and Family Services, Ohana Sex Abuse Treatment Program	Treatment provider.	Oahu		
Lorraine	Davis	Quality Assurance Director, YWCA of Hawaii Island	Service provider.	West Hawaii		
Lucy	Feinberg	Director, Program Services, Maui Family Support Services, Inc.	Many years of experience in CWS and as a community-based service provider; LSW, CSAC, Vice President of Maui County Children's Justice Committee	Maui		

Hawaii Children's Justice Task Force (HCJTF)

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES		First Name	Last Name	Position	Experience	Area
		Alfred	Herrera	Executive Director, Children's Alliance of Hawaii	Advocate.	Oahu
		Jennifer	Ire	Program Manager YWCA Sexual Assault Treatment Program	Many years experience with sexual assault services.	Kauai
		Tammy	Visperas-Smith	Child and Family Service	Service provider.	Oahu
		Kayal	Natarajan	CARE	Service provider.	Oahu
		Cyndi	Keller	Victim Witness Assistance, Department of the Prosecuting Attorney	Victim assistance.	Oahu
		Leanne	Gillespie	Sex Offender Management Team, Department of Public Safety	Corrections.	Oahu
		Tamara	Grisby	Physician, Tripler Army Medical Center	Military.	Oahu

Required Certifications

- Certification regarding lobbying
- Certification regarding drug-free workplace
- Debarment certification
- Certification regarding environmental tobacco smoke

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Lillian B. Koller, Director
Department of Human Services
State of Hawaii

Certification Regarding Debarment, Suspension and Other Responsibility Matters

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of

embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [Page 33043] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Certification Regarding Drug-free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW., Washington, DC 20201.

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to

the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about--

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and
(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)